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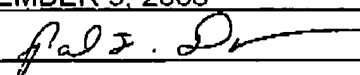
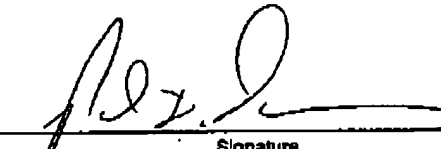
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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 14023	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>DECEMBER 9, 2005</u> Signature <u></u> Typed or printed name <u>Paul F. Donovan</u>		Application Number 10/606,875 Filed 6/26/2003 First Named Inventor BRADLEY J. HAYMOND Art Unit 3676 Examiner MARK A. WILLIAMS	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/56) <input checked="" type="checkbox"/> attorney or agent of record. 39,962 Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature Paul F. Donovan Typed or printed name 847-657-4075 Telephone number DECEMBER 9, 2005 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3676

Attorney Docket No. 14023

In re

Patent Application of: Bradley J. Haymond

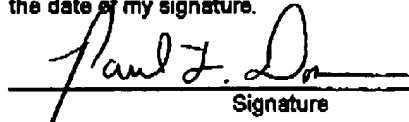
Serial No.: 10/606,875

Filed: June 26, 2003

Examiner: Williams, Mark A.

"BUMPER DEVICE"

I, Paul F. Donovan, hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office at (571) 273-8300, on the date of my signature.



Signature

Dec. 9, 2005

Date of Signature

PRE-APPEAL BRIEF

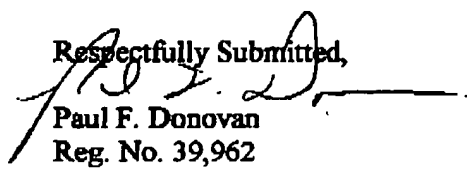
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Final Office Action mailed September 12, 2005 and the advisory action mailed November 30, 2005. It is respectfully requested that the above-identified application be allowed in accordance with the arguments set forth below. No extension of time in which to file this paper is believed necessary. However, if an extension of time is required, please consider this a petition therefore and charge any additional fees which may be required as set forth below. No additional claim fee is due. However, please debit any deficiency to Deposit Account No. 09-0025 as may be required in connection with the submission of this Amendment. **IN NO EVENT CAN THE ISSUE FEE BE CHARGED TO THE DEPOSIT ACCOUNT.**

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Respectfully Submitted,


Paul F. Donovan
Reg. No. 39,962**IMPORTANT**

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IN THE CLAIMS:

The claims are presented as previously submitted:

1. (Previously Presented) A bumper device for reducing the noise created by a door closing against a cabinet, the bumper device comprising:

a bumper body including a solid base, a ring-shaped portion and a concentrically positioned center portion extending upwardly from the base, the center portion defining a top end extending above a top portion of the ring-shaped portion, the top end including an indentation extending a short distance into the center portion such that a bottom of the indentation is located above the top portion of the ring-shaped portion in an uncompressed state, and such that the bottom of the indentation is located in a plane below the top portion of the ring shaped portion in a fully compressed state, the center portion having a continuous, solid cross-section, said bumper body being made of a soft elastic material, wherein the ring-shaped portion defines a first end and a second end, the ring-shaped portion extending outwardly from the base in such a manner that the ring-shaped portion tapers in cross-sectional thickness between the first end and the second end.

2. (Original) The bumper device as set forth in claim 1, wherein the base defines a periphery and wherein the ring-shaped portion is positioned at the periphery of the base.

3. (Original) The bumper device as set forth in claim 2, wherein the ring-shaped portion is formed integral with the base.

4. (Original) The bumper device as set forth in claim 3, wherein the center portion defines a conical shape and wherein the center portion is formed integral with the base.

5. (Original) The bumper device as set forth in claim 1, wherein the bumper body is made of a urethane material.

6. (Original) The bumper device as set forth in claim 1, wherein the bumper body defines a channel formed between the center portion and the ring-shaped portion.

7. (Cancelled)

8. (Previously Presented) A device for reducing the noise created by a first structure contacting a second structure, the device comprising:

an elastomeric body having a continuous, solid cross section, the elastomeric body defining a base, a channel, and a first portion extending outwardly from the base, the first portion further defining an indentation, the base defining a periphery, the elastomeric body further defining a second portion extending from the base and positioned adjacent to the periphery of the base, the second portion being ring-shaped, the channel being located between the first portion and the second portion, the first portion defining a conical shape and including a first end formed integral with the base and a second end that further includes the indentation, the elastomeric body being made of a urethane material, the second portion defining a first end and a second end, the second portion extending outwardly from the base in such a manner that the second portion tapers in cross-sectional thickness between the first end and the second end, the device being configured in such a manner that in an uncompressed state, a bottom of the indentation is located above an uppermost portion of the ring-shaped portion, and in a compressed state, the bottom of the indentation is located below the uppermost portion of the ring-shaped portion, such that in the compressed state, trapped sound areas are defined by the indentation, the channel and the mating structure.

9-14. (Cancelled)

15. (Previously Presented) A system for reducing the sound created by a first structure contacting a second structure, the system comprising:

a compressible sound reducing body defining a conically shaped center portion having a proximal end, a distal end, and an indentation positioned at the distal end, said center portion having a continuous, solid cross-section extending therethrough, a ring-shaped support portion spaced apart from and extending around the center portion, and a channel formed between the center portion and the support portion, wherein the indentation includes a bottom that is positioned above the ring-shaped portion in an uncompressed state, the compressible sound reducing body being configured in such a manner that in a fully compressed state, the bottom of the indentation is positioned below an uppermost portion of the ring-shaped portion.

16. (Cancelled)

17. (Previously Presented) The system as set forth in claim 15, wherein the support portion defines a proximal end having a thickness and a distal end having a thickness, and wherein the support portion tapers in cross-sectional thickness between the proximal end and the distal end

18. (Cancelled)

19. (Original) The system as set forth in claim 15, wherein the compressible sound reducing body is made of a urethane material.

20. (Cancelled)

REMARKS:

At the time of the Final Office Action, claims 1-6, 8, 15, 17 and 19 were pending and considered by the Examiner. All of the pending claims stand rejected. Claims 1-6, 8, 15, 17 and 19 remain pending.

The claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over Owens et al. (U.S. Design Patent 324,170), in view of Morse et al. (U.S. Patent No. 3,050,770). The rejections are traversed for at least the following reasons.

The rejections set forth in the Final Office Action are basically the same rejections as submitted in the Office Action dated March 23, 2005. In response to the March 23, 2005 Office Action, the applicant first argued that the modification of Owens et al. in view of Morse et al. is improper. The Examiner disagrees. The applicant reiterates that the proposed modification is improper for at least the reasons set forth in the amendment submitted on June 22, 2005. Even though it was argued that the modification is improper, in order to advance the prosecution of the application, the applicant also amended independent claims 1, 8 and 15. It is respectfully argued that the Examiner has continued to fail to appreciate the limitations previously inserted into claims 1, 8 and 15. Thus, for at least the following reasons, it is respectfully argued that the claims are patentable over the cited references.

The devices of claims 1, 8 and 15 were amended to recite, among other things, that the body includes an indentation such that a bottom of the indentation is located above a top portion of the ring-shaped portion in an uncompressed state, and such that the bottom of the indentation is located below the top portion of the ring shaped portion in a compressed state. The Examiner seems to be of the impression that such limitations would be met by the combination of the cited references because, in the Examiner's opinion, the degree of compression is based on the amount of force applied. But, where exactly in Morse et al. does it teach or suggest that the bottom of the indentation will be located below the top portion of a ring shaped portion in a compressed state? It is

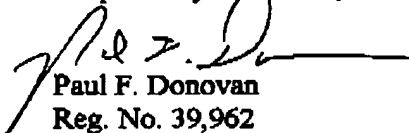
respectfully argued that Morse et al. does not teach or suggest this limitation. In fact, with reference to Fig. 2 of Morse et al., given the rigid structure of the device surrounding the bumper, it is respectfully argued that the bumper cannot function in accordance with the claimed invention of the subject application. In other words, contrary to the Examiner's comments in the Advisory Action that the device of the combination is capable of meeting the limitation, the bumper is not capable of being compressed in such a manner that a bottom of the indentation will be located below the top portion of a ring shaped portion in a compressed state. The design of Owens et al. does not solve this deficiency of Morse et al. In short, the proposed combination, although improper in the applicant's opinion, does not teach or suggest all of the limitations recited in claims 1, 8 and 15. Thus, for at least these reasons, the pending claims as previously written are patentable over the art of record.

Reconsideration and allowance of all the pending claims is respectfully requested.

In the event that there are any remaining issues that need to be addressed, in order to expedite the prosecution of the subject application, the undersigned respectfully requests that the Examiner telephone him at the number provided below.

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Respectfully submitted,


Paul F. Donovan
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